

### **REMARKS**

Claims 1-30 are present in this application. Claims 1, 6-7, 9-11, 15-16, 22-24, and 30 are independent. No claims have been canceled, no claims have been added, claims 1-22 have been withdrawn, and claim 30 has been amended. Reconsideration of this application, as amended, is respectfully requested.

#### **Claim Rejection - 35 U.S.C. § 101**

The Examiner rejected claim 30 asserting that claim is not directed to statutory subject matter.

Applicants respectfully traverse this rejection.

By this amendment, Applicants have amended claim 30 to recite “A game program embodied in a tangible medium for making a communicable game machine perform a multiplayer competition game in which a plurality of players compete for characters, and causes a computer to read and convert a series of processes into executable commands.” More specifically, the limitation that a program is embodied in a tangible medium in association with a computer-readable medium is added in claim 30. The Examiner’s attention is respectfully directed to *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995). As such, Applicants respectfully submit that claim 30 is directed to statutory subject matter. Based on this amendment, it is respectfully requested that the outstanding rejection be withdrawn.

The record should show that this amendment is based on the descriptions of the original specification of the present Application, for example, see at least paragraphs 188, 231, 275, and 317.

#### **Claim Rejection - 35 U.S.C. § 103(a)**

Claims 23-30 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Tajiri et al. (U.S. Patent No. 6,482,092) in view of Gress et al. (U.S. Patent Publication No. 2005/0151320) and in further view of Itou et al. (U.S. Patent No. 6,354,940).

Applicants respectfully traverse this rejection.

**Argument: Features of claims 23-24 and 30 not disclosed by cited prior art**

In claims 23-24 and 30, the Examiner cited to Itou for the alleged disclosure that the winner receiving a character together with its number of times available. (See Office Action, lines 2-4 of page 6. The record should show that the Examiner acknowledges that Tajiri fails to disclose this feature, see Office Action, last paragraph of page 5.)

However, Itou fails to make up for the deficiencies of Tajiri.

Itou discloses a command called a “draw” which robs the enemy character of the ability together with the number of times available. (See Itou, lines 1-4 of col. 5, line 65 of col. 5 through line 8 of col. 6, and lines 9-13 of col. 7.) This command is executed regardless of victory/defeat of a battle, and the possession of ability transfers among the players as a result.

In this way, even if referring to the disclosures of Tajiri, Gress, and Itou, persons of ordinary skilled in the art cannot reach to conceive the claimed invention where the possession of the characters forming a party is transferred from a loser to a winner in accordance with the victory/defeat of the battle.

Therefore, the claimed invention is not obvious against the prior art.

In sum, the cited prior art (*i.e.*, Itou, Gress, and Tajiri) fails to disclose the claimed invention of independent claims 23-24 and 30.

Thus, independent claims 23-24 and 30 are submitted to be allowable over the cited prior art for at least the above reasons.

Dependent claims 25-29 are allowable for the reasons set forth above with regards to claim 23 at least based on their dependency on claim 23.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 23-30 under 35 U.S.C. § 103(a).

Reconsideration and allowance of claims 23-30 are respectfully requested for at least the above reasons.

**Conclusion**

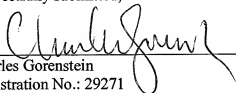
Applicants respectfully request that the pending application be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh, Registration No. 62278, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

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